

Notice of Allowability

Application No.

09/889,330

Examiner

Samuel W Liu

Applicant(s)

KOLTERMAN ET AL.

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10-14-04.
2. ☒ The allowed claim(s) is/are 84-125.
3. ☒ The drawings filed on 13 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10-14-04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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DETAILED ACTION

This Office action is in response to applicants' amendments filed 4 October 2004 which amends claims 84, 86 and 105. The stated amendment has been entered. Thus, the pending claims 43-125 are therefore examined in this Office action. Note that claims 1-42 are cancelled by the applicants' amendment filed 20 July 2004.

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the change and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than payment of the Issue Fee.

Authorization for this Examiner's Amendment was given in a telephone interview with James E. Butler on 14 October 2004.

Amendments to the claim:

Claims 43-83 are canceled.

Amendments to the specification:

In page 2, lines 7, 12 and 26, "SEQ. ID. NO." should be changed to "SEQ ID NO.".

In page 19, lines 12 and 13, "SEQ. ID. NO." should be changed to "SEQ ID NO."; and lines 14, 17, 19-20, 22 25-26 and 28, "SEQ ID NO" should be changed to "SEQ ID NO.".

In page 20, lines 18, 20 and 22, "SEQ. ID. NO." should be changed to "SEQ ID NO.".

In page 22, line 11, "SEQ ID NOS 9-39" should be changed to "SEQ ID NOS. 9-39".

In page 24, line 4, "~ 90-fold" should be changed to "about 90-fold".

In page 27, line 6, "SEQ. ID. NOS. 9 to 39" should be changed to "SEQ ID NOS. 9-39".

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In page 28, line 16, "SEQ. ID. NOS." should be changed to "SEQ ID NOs."

In page 44, line 28, "polyethylene glycols (PEG)" should be changed to "polyethylene glycols (PEGs)".

In page 81, lines 2 and 17, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 82, lines 2 and 17, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 83, line 1, "SEQ. ID. NO. 14" should be changed to "SEQ ID NO. 14".

In pages 84, 85, , 86, 87, 88, 89, 90, 91 and 92, lines 2 and 17, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 93, lines 4 and 20, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 94, lines 6 and 22, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 95, lines 18 and 24, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 96, line 10, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 97, line 14, "SEQ. ID. NO. 7" should be changed to "SEQ ID NO. 7".

In page 98, line 21, "SEQ. ID. NO. 40" should be changed to "SEQ ID NO. 40".

In page 99, lines 10-11 and 28-29, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 100, line 18, "SEQ. ID. NO. 43" should be changed to "SEQ ID NO. 43".

In page 101, lines 7-8 and 26-27, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 102, line 15, "SEQ. ID. NO. 46" should be changed to "SEQ ID NO. 46".

In page 103, lines 4-5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO."

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In page 104, line 13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 105, lines 4-5, 21 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 106, lines 12-13, "SEQ. ID. NO. 52" should be changed to "SEQ ID NO. 52".

In page 107, lines 5 and 24, and page 108, lines 11-12, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 109, lines 5 and 24, and page 110, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 111, lines 5 and 24, and page 112, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 113, lines 5 and 24, and page 114, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 115, lines 5 and 24, and page 116, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 117, lines 5 and 24, and page 118, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 119, lines 5 and 24, and page 120, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 121, lines 5 and 24, and page 122, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 123, lines 5 and 24, and page 124, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 125, lines 5 and 24, and page 126, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

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In page 127, lines 5 and 24, and page 128, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 129, lines 5 and 24, and page 130, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 131, lines 5 and 24, and page 132, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 133, lines 5 and 24, and page 134, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 135, lines 5 and 24, and page 136, lines 12-13, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 137, lines 5 and 24, "SEQ. ID. NO." should be changed to "SEQ ID NO."

In page 139, lines 21-22, "SEQ. ID. NO. 100" should be changed to "SEQ ID NO. 100".

In page 140, lines 28-29, "SEQ. ID. NO. 101" should be changed to "SEQ ID NO. 101".

In page 141, lines 17-18, "SEQ. ID. NO. 102" should be changed to "SEQ ID NO. 102".

In page 142, lines 7-8, and lines 26-27, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 143, lines 17-18, "SEQ. ID. NO. 105" should be changed to "SEQ ID NO. 105".

In page 144, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 145, lines 12-13, "SEQ. ID. NO.108" should be changed to "SEQ ID NO. 108".

In page 146, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 147, lines 12-13, "SEQ. ID. NO.111" should be changed to "SEQ ID NO. 111".

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In page 148, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 149, lines 12-13, "SEQ. ID. NO.114" should be changed to "SEQ ID NO. 114".

In page 150, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 151, lines 12-13, "SEQ. ID. NO.117" should be changed to "SEQ ID NO. 117".

In page 152, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 153, lines 12-13, "SEQ. ID. NO.120" should be changed to "SEQ ID NO. 120".

In page 154, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 155, lines 12-13, "SEQ. ID. NO.123" should be changed to "SEQ ID NO. 123".

In page 156, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 157, lines 12-13, "SEQ. ID. NO.126" should be changed to "SEQ ID NO. 126".

In page 158, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 159, lines 12-13, "SEQ. ID. NO.129" should be changed to "SEQ ID NO. 129".

In page 160, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 161, lines 12-13, "SEQ. ID. NO.132" should be changed to "SEQ ID NO. 132".

In page 162, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 163, lines 12-13, "SEQ. ID. NO.135" should be changed to "SEQ ID NO. 135".

In page 164, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 165, lines 12-13, "SEQ. ID. NO.138" should be changed to "SEQ ID NO. 138".

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In page 166, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 167, lines 12-13, "SEQ. ID. NO.141" should be changed to "SEQ ID NO. 141".

In page 168, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 169, lines 12-13, "SEQ. ID. NO.144" should be changed to "SEQ ID NO. 144".

In page 170, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 171, lines 12-13, "SEQ. ID. NO.147" should be changed to "SEQ ID NO. 147".

In page 172, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 173, lines 12-13, "SEQ. ID. NO.150" should be changed to "SEQ ID NO. 150".

In page 174, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 175, lines 12-13, "SEQ. ID. NO.153" should be changed to "SEQ ID NO. 153".

In page 176, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 177, lines 12-13, "SEQ. ID. NO.156" should be changed to "SEQ ID NO. 156".

In page 178, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 179, lines 12-13, "SEQ. ID. NO.159" should be changed to "SEQ ID NO. 159".

In page 180, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 181, lines 12-13, "SEQ. ID. NO.162" should be changed to "SEQ ID NO. 162".

In page 182, lines 5 and 23-24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 183, lines 12-13, "SEQ. ID. NO.165" should be changed to "SEQ ID NO. 165".

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In page 184, lines 5 and 24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 185, line 13, "SEQ. ID. NO.168" should be changed to "SEQ ID NO. 168".

In page 186, lines 5 and 24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 187, line 13, "SEQ. ID. NO.171" should be changed to "SEQ ID NO. 171".

In page 188, lines 5 and 24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 189, line 13, "SEQ. ID. NO.174" should be changed to "SEQ ID NO. 174".

In page 190, lines 5 and 24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 191, line 13, "SEQ. ID. NO.177" should be changed to "SEQ ID NO. 177".

In page 192, lines 5 and 24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 193, line 13, "SEQ. ID. NO.180" should be changed to "SEQ ID NO. 180".

In page 194, lines 5 and 25, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 195, line 15, "SEQ. ID. NO. 183" should be changed to "SEQ ID NO. 183".

In page 196, lines 5 and 24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 197, line 13, "SEQ. ID. NO. 186" should be changed to "SEQ ID NO. 186".

In page 198, lines 5 and 24, "SEQ. ID. NO." should be changed to "SEQ ID NO. ".

In page 195, line 15, "SEQ. ID. NO. 183" should be changed to "SEQ ID NO. 183".

In page 199, line 11 "SEQ ID NOS. " should be changed to "SEQ ID NOS."

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Conclusion: Claims 84-125 are allowable over the art of record.

Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Wei Liu, Ph.D. whose telephone number is (571) 272-0949. The Examiner can normally be reached daily except alternate Fridays from 8:30 A.M. to 5:30 P.M. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jon Weber, can be reached at (571) 272-0925. The official fax number for Technology Center 1600 is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.



Samuel W. Liu, Ph.D.
Art Unit 1653, Examiner
October 14, 2004



KAREN COCHRANE CARLSON, PH.D.
PRIMARY EXAMINER